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09/980,885	03/22/2002	Henning Schulzrinne	A31852-PCT USA	1966
21003 7590 01/23/2007 BAKER & BOTTS L.L.P. 30 ROCKEFELLER PLAZA 44TH FLOOR NEW YORK, NY 10112-4498			EXAMINER KANG, PAUL H	
			ART UNIT 2144	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	
3 MONTHS			01/23/2007	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

09/980,885

Applicant(s)

SCHULZRINNE ET AL.

Examiner

Paul H. Kang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) 31-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/10/06; 11/21/06.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Status of Claims and Election/Restrictions*

1. Claims 1-56 are pending. Claims 31-56 are withdrawn. Claims 1-30 are finally rejected.
2. Applicant's election without traverse of claims 1-30 in the reply filed on February 6, 2006 is acknowledged. Claims 31-56 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on February 6, 2006.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-9 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Gudjonsson et al., US Pat. No. 6,654,261.**

5. As to claims 1 and 30, Gudjonsson teaches the invention substantially as claimed. Gudjonsson teaches a network appliance and a packet data network system for providing packetized data over a packet data network, comprising:

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a network controller subsystem coupled to said packet data network (Gudjonsson, col. 8, lines 3-65);

a digital signal processing subsystem coupled to said network controller subsystem, the digital signal processing subsystem further comprising a computer program for detecting incoming calls and initiating call sessions (Gudjonsson, col. 8, lines 3-65 and col. 8, line 67 – col. 9, line 60);

a signal conversion subsystem coupled to said digital signal processing subsystem; and a user interface subsystem coupled to both the signal conversion subsystem and said digital signal subsystem (Gudjonsson, col. 7, line 35 – col. 8, line 34 and col. 34, lines 26-49).

6. As to claim 2, Gudjonsson teaches the system wherein said digital signal processing subsystem comprises a digital signal processor (DSP) and one or more memory devices coupled to said digital signal processor (Gudjonsson, col. 7, line 35 – col. 8, line 34 and col. 34, lines 26-49).

7. As to claims 3 and 4, Gudjonsson teaches the appliance wherein said computer program implements the Session Initiation Protocol for detecting and initiating call sessions and performing call session control, said address being stored in at least one of said memory devices (Gudjonsson, col. 8, lines 3-65 and col. 8, line 67 – col. 9, line 60).

8. As to claims 5 and 6, Gudjonsson teaches the appliance wherein the packetized data includes audio data and wherein the user interface subsystem comprises: a handset comprising an

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input device, a microphone and a speaker; and a display device (Gudjonsson, col. 7, line 35 – col. 8, line 34 and col. 34, lines 26-49).

9. As to claims 7 and 8, Gudjonsson teaches the appliance wherein the identifying criteria of at least one approved caller is stored in at least one of said memory devices and wherein said digital signal processor receives identifying criteria from the caller and activates the monitor feature only if the received identifying criteria matches at least one of the stored identifying criteria of said at least one predetermined approved caller; wherein said identifying criteria are selected for the group including name, SIP address and password (Gudjonsson, col. 35, line 12 – col. 36, line 6 and col. 37, lines 23-58).

10. As to claim 9, Gudjonsson teaches the appliance wherein the computer program implements a call forwarding feature, wherein at least one forwarding SIP address is stored in at least one of said memory devices, at least one of said forwarding SIP addresses being selectable by a user via said user-interface subsystem, and wherein on detection of a call directed to the appliance from a caller, said call is redirected to the selected forwarding SIP address (Gudjonsson, col. 9, line 8 – col. 10, line 46).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**12. Claims 11-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson in view of Suder et al., US Patent No. 6,842,505 B1.**

13. As to claim 11, Gudjonsson teaches the invention substantially as claimed. However, Gudjonsson does not explicitly teach the appliance comprising a sensor coupled to said appliance for detecting the absence of a human being, wherein said call forwarding feature is activated in response to a signal from said sensor.

In the same field of endeavor, Suder teaches a communication system with human presence sensing capabilities (Suder, col. 1, line 37 – col. 2, line 44).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the human presence sensing, as taught by Suder, into the communication system of Gudjonsson for the purpose of improving call routing and call accessibility.

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14. As to claim 12, Gudjonsson-Suder teach the appliance wherein the user interface subsystem includes an output device and wherein the computer program implements a streaming media mode wherein streaming data is received from the network and is converted to perceptible signals provided to said output device (Gudjonsson, col. 7, line 35 – col. 8, line 2).

15. As to claims 13-17, Gudjonsson-Suder teach the appliance wherein the output device includes a speaker and wherein streaming data is selectively received from the network and is converted to audio signals provided to said speaker; and wherein when no call session is in progress streaming data is received from the network and is converted to audio signals provided to said speaker; further wherein the streaming data is received from the network and is selectively forwarded to another device during a call session where the data is convertible to perceptible signals by said device wherein the output device includes a video display and wherein streaming data includes streaming video data which is selectively received from the network and is converted to video signals provided to said display (Gudjonsson, col. 9, line 8 – col. 10, line 46).

16. As to claim 18, Gudjonsson-Suder teach the appliance wherein the user interface subsystem includes a display device and wherein the digital signal processor detects the SIP address of callers and stores a plurality of caller SIP addresses in at least one of said memory devices, said plurality of caller SIP addresses being displayable on said display device and selectable in response to an input from the user interface subsystem (Gudjonsson, col. 34, line 26

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– col. 35, line 64).

17. As to claim 19, Gudjonsson-Suder teach the appliance wherein the user interface subsystem includes a display device and wherein the digital signal processor (DSP) stores a plurality of called SIP addresses in said memory device, said called SIP addresses corresponding to the address of successfully initiated call sessions and being displayable on said display device and selectable in response to an input from the user interface subsystem (Gudjonsson, col. 34, line 26 – col. 35, line 64).

18. As to claim 21, Gudjonsson-Suder teach the appliance wherein said DSP subsystem further comprises and A/D converter for encoding incoming audio data into digital incoming audio data; an encoder coupled to said A/D converter for encoding said digital incoming audio data; a decoder for decoding digital outgoing audio data provided by said DSP subsystem; a D/A converter coupled to said decoder for converting digital outgoing audio data into outgoing audio data; and an audio amplifier coupled to the handset and the corresponding speaker and microphone for conditioning said incoming and outgoing audio data (Gudjonsson, col. 9, line 8 – col. 10, line 46).

**19. Claims 10, 20 and 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson-Suder, and further in view of Forslow, US Patent No. 6,608,832 B1.**



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20. As to claims 20, 22 and 23, Gudjonsson-Suder teaches the invention substantially as claimed. However, Gudjonsson-Suder does not explicitly teach the appliance comprising an Ethernet, IP, ARP, UDP, RTP, control, application and RTSP protocol layers; further comprising an Ethernet controller and a service filter. In the same field of endeavor, Forslow teaches a mobile communications network comprising an Ethernet, IP, ARP, UDP, RTP, control, application and RTSP an Ethernet, IP, ARP, UDP, RTP, control, application and RTSP (Forslow, col. 11, line 56 – col. 12, line 10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the well known network protocols as taught by Forslow into the system of Gudjonsson-Suder since it is desirable to implement the communications system on a widely implemented communications protocol.

21. As to claims 10, 24 and 25, 26, 27, Gudjonsson-Suder-Forslow teach the appliance further comprising at least one sensor, said DSP acquires data from the sensor at predetermined time intervals, continuously, or based on an interrupt signal, formats the acquired data as network packet data and transmits the data to a predetermined destination on the network (Suder, col. 1, line 37 – col. 2, line 44 and col. 11, line 41 – col. 12, line 52).

22. As to claim 28, Gudjonsson-Suder-Forslow teach the appliance including a call forwarding feature, said feature being selectively enabled in response to a signal applied to said sensor interface circuit (Suder, col. 11, line 41 – col. 12, line 52).

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23. As to claim 29, Gudjonsson-Suder-Forslow teach the appliance further comprising a sensor for detecting the presence of a human being coupled to said sensor interface circuit and providing the signal for selectively enabling the call forwarding feature (Suder, col. 11, line 41 – col. 12, line 52).

### ***Response to Arguments***

24. Applicant's arguments filed August 23, 2006 have been fully considered but they are not persuasive. The applicants argued in substance that:

A) Gudjonsson fails to disclose or suggest the claimed invention including a digital signal processing subsystem, a signal conversion subsystem and a user interface coupled to both the signal conversion subsystem and the digital signal processing system. “...Gudjonsson describes a network including plurality of clusters of servers wherein aspects of the network act as brokers and broker communication services between two or more people (see col. 7, lines 35-39 and 52-56). In fact, Gudjonsson teaches away from claim 1 because Gudjonsson includes a special service within each cluster called the Routing Service which is necessary to connect the users. (see col. 9, lines 17-21). Thus messages are never sent directly between users and instead pass through the routing service. (see col. 9, lines 26-28). In contrast, claim 1 includes a digital signal processing subsystem, coupled to a network controller subsystem, that includes a computer program for detecting incoming calls and initiating call sessions. Gudjonsson describes how communication sessions may be established over a plurality of clusters of servers, but nothing in Gudjonsson discloses or suggests any such digital signal processing subsystem which includes a computer program for detecting incoming calls and initiating call sessions.” See Remarks, page 8, line 16 – page 9, line 10. (emphasis original).

25. As to point A, the examiner respectfully disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., sending messages directly between users, without passing through a routing service) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicants are reminded that the definiteness of the language employed must be analyzed, not in a vacuum, but

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always in light of the teachings of the prior art and of the particular application disclosure as it would be interpreted by one possessing the ordinary level of skill in the pertinent art. Insofar, the claims have been given the broadest reasonable interpretation consistent with the specification and the prior art, since the applicant may then amend his claims, the thought being to reduce the possibility that after a patent is granted the claims may be interpreted as giving broader coverage than is justified.

26. Further, applicants argue that while Gudjonsson describes how communication session between remote users may be established over a plurality of clusters of servers, it fails to teach or suggest a digital signal processor nor a computer program to implement such a function. While it may be true the prior art of record fails to explicitly recite the words such as “digital signal processor” or “computer program,” these are elements inherent in the system of Gudjonsson. For instance, the computing devices disclosed by Gudjonsson, i.e. PC, servers, mobile phones, and handheld devices, etc., all inherently comprise a digital signal processors and computer programs. As would be recognized by the artisan of ordinary skill in the art, the processors and computer programs must necessarily be present in order to execute the disclosed Session Initiation Protocol for detecting incoming calls and initiating call sessions.

B) “Claim 1 also includes a signal conversion subsystem coupled to the digital signal processing subsystem. The Examiner argues that col. 7, line 35 – col. 8, line 34 and col. 34, lines 26-49 of Gudjonsson discloses this element. (*see* pg. 3 of Office Action). Applicants respectfully disagree because this section of Gudjonsson describes establishing communication sessions by linking a plurality of clusters of servers, but it does not disclose or suggest any signal conversion. Therefore, Gudjonsson does not disclose or suggest a signal conversion subsystem coupled to a digital signal processing subsystem.” Remarks, page 9, lines 11-17.

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27. Again, the examiner respectfully disagrees. The argument here is similar to that addressed in point A above, that because the prior art of record fails to explicitly use the language “signal conversion subsystem” that such a limitation is not taught or suggested. Contrary to the applicant’s interpretation of the prior art reference, Gudjonsson teaches various speakers and audio out devices, for instance. Therefore, a signal conversion subsystem must necessarily exist to convert the streaming digital data into an analog signal suitable for output to a speaker device.

C) “Claim 1 further includes a user interface coupled to both the signal conversion subsystem and the digital signal processing subsystem. The Examiner argues that col. 7, line 35 – col. 8, line 34 and col. 34, lines 26-49 of Gudjonsson discloses this element. (*see* pg. 3 of Office Action). Applicants respectfully disagree. Although this cited portion of Gudjonsson describes the user interface as clients (*e.g.*, a user’s PC, mobile phone, or PDA), it fails to disclose or suggest that this interface be coupled to both a signal conversion subsystem and a digital signal processing subsystem as required by claim 1.” Remarks, page 9, lines 18-24.

28. The examiner respectfully disagrees. As admitted by the applicant, Gudjonsson teaches various devices that have a user interface, including PC’s, mobile phones, PDA and network servers. Because these user interfaces are “coupled” to computing devices, they are coupled to the signal conversion and digital signal processing subsystem of the computing device.

### ***Conclusion***

29. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H. Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**PAUL H. KANG**  
**PRIMARY PATENT EXAMINER**